

FIRST REGULAR SESSION

SENATE BILL NO. 211

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR RUPP.

Read 1st time January 24, 2013, and ordered printed.

TERRY L. SPIELER, Secretary.

0384S.03I

AN ACT

To amend chapter 167, RSMo, by adding thereto nine new sections relating to the management of diabetes in elementary and secondary schools.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 167, RSMo, is amended by adding thereto nine new sections, to be known as sections 167.800, 167.803, 167.806, 167.809, 167.812, 167.815, 167.818, 167.821, and 167.824, to read as follows:

167.800. For purposes of sections 167.800 to 167.824, the following terms shall mean:

(1) "Department", the department of elementary and secondary education;

(2) "Diabetes medical management plan", a document developed by the student's personal health care team that sets out the health services needed by the student at school and is signed by the student's personal health care team and parent or guardian;

(3) "District" or "school district", shall have the same meaning as used in subdivision (1) of section 160.011;

(4) "School", shall include any elementary or secondary public school or charter school located within the state of Missouri;

(5) "School employee", shall include any person employed by a school district or charter school, any person employed by a local health department who is assigned to a school district or charter school, or any subcontractor designated for this function;

(6) "Trained diabetes care personnel", a school employee who volunteers to be trained in accordance with section 167.803. Such employee need not be a health care professional.

167.803. 1. By January 15, 2014, the department of elementary

2 and secondary education shall develop guidelines for the training of
3 school employees in the care needed for students with diabetes. These
4 training guidelines shall be developed in consultation with: the
5 department of health and senior services, the American Diabetes
6 Association, American Association of Diabetes Educators, School Nurses
7 Association, Diabetes Control Program, and the state board of
8 nursing. The school board of each school district and the governing
9 body of each charter school may adopt and implement the training
10 guidelines and annual diabetes training programs for all school nurses
11 and diabetes care personnel. The training guidelines developed by the
12 department shall address, but not be limited to, the following:

13 (1) Recognition and treatment of hypoglycemia and
14 hyperglycemia;

15 (2) Understanding the appropriate actions to take when blood
16 glucose levels are outside of the target ranges indicated by student's
17 diabetes medical management plan;

18 (3) Understanding physician instructions concerning diabetes
19 medication drug dosage, frequency, and the manner of administration;

20 (4) Performance of finger-stick blood glucose checking, ketone
21 checking, and recording the results;

22 (5) The administration of glucagon and insulin and the recording
23 of results;

24 (6) Understanding how to perform basic insulin pump functions;

25 (7) Recognizing complications that require emergency assistance;
26 and

27 (8) Understanding recommended schedules and food intake for
28 meals and snacks, the effect of physical activity upon blood glucose
29 levels, and actions to be implemented in the case of schedule
30 disruption.

31 2. If the school board of a school district or the governing body
32 of a charter school adopts and implements the training guidelines
33 developed by the department, it shall insure that the training outlined
34 in subsection 1 of this section is provided to a minimum of three school
35 employees at each school attended by a student with diabetes. If at any
36 time fewer than three school employees are available to be trained at
37 such a school, the principal or other school administrator shall
38 distribute to all staff members a written notice seeking volunteers to

39 serve as diabetes care personnel. The notice shall inform staff of the
40 following:

41 (1) The school shall provide diabetes care to one or more
42 students with diabetes and is seeking personnel willing to be trained
43 to provide that care;

44 (2) The tasks to be performed;

45 (3) Participation is voluntary and the school district or school
46 shall take no action against any staff member who does not volunteer
47 to be designated;

48 (4) Training shall be provided to employees who volunteer to
49 provide care;

50 (5) Trained personnel are protected from liability under section
51 167.821; and

52 (6) The identity and contact information of the individual who
53 should be contacted to volunteer.

54 3. School employees shall not be subject to any penalty or
55 disciplinary action for refusing to serve as trained diabetes care
56 personnel nor shall a school or school district discourage employees
57 from volunteering for training.

58 4. If a school or school district adopts and implements the
59 training guidelines outlined in subsection 1 of this section, it shall be
60 coordinated by a school nurse, if the school district or charter school
61 has a school nurse, and provided by a school nurse or another health
62 care professional with expertise in diabetes. Such training shall take
63 place prior to the commencement of each school year, or as needed
64 when a student with diabetes is newly enrolled at a school or a student
65 is newly diagnosed with diabetes, but in no event more than thirty days
66 following such enrollment or diagnosis. The school nurse or another
67 health care professional with expertise in diabetes shall promptly
68 provide follow-up training and supervision as needed.

69 5. Each school district and charter school may provide training
70 in the recognition of hypoglycemia and hyperglycemia and actions to
71 take in response to emergency situations to all school personnel who
72 have primary responsibility for supervising a child with diabetes
73 during some portion of the school day and to bus drivers responsible
74 for the transportation of a student with diabetes.

167.806. The parent or guardian of each student with diabetes

2 who seeks diabetes care while at school should submit to the school a
3 diabetes medical management plan, which upon receipt shall be
4 reviewed by the school.

167.809. 1. The school board of each school district and the
2 governing body of each charter school may provide all students with
3 diabetes in the school or district appropriate and needed diabetes care
4 as specified in their diabetes medical management plan. In accordance
5 with the request of the parent or guardian of a student with diabetes
6 and the student's diabetes medical management plan, the school nurse
7 or, in the absence of the school nurse, trained diabetes care personnel,
8 may perform diabetes care functions including, but not limited to:

9 (1) Checking and recording blood glucose levels and ketone
10 levels or assisting a student with such checking and recording;

11 (2) Responding to blood glucose levels that are outside of the
12 student's target range;

13 (3) Administering glucagon and other emergency treatments as
14 prescribed;

15 (4) Administering insulin or assisting a student in administering
16 insulin through the insulin delivery system the student uses;

17 (5) Providing oral diabetes medications; and

18 (6) Following instructions regarding meals, snacks, and physical
19 activity.

20 2. The school nurse or at least one of the trained diabetes care
21 personnel may be on site and available to provide care to each student
22 with diabetes as set forth in subsection 1 of this section during regular
23 school hours and during all school sponsored activities, including
24 school-sponsored before school and after school care programs, field
25 trips, extended off-site excursions, extracurricular activities, and on
26 buses when the bus driver has not completed the necessary training.

167.812. 1. Notwithstanding any provision of law to the contrary,
2 the activities set forth in subsection 1 of section 167.809 shall not
3 constitute the practice of nursing and shall be exempted from all
4 applicable statutory and regulatory provisions that restrict what
5 activities can be delegated to or performed by a person who is not a
6 licensed health care professional.

7 2. Notwithstanding any provision of law to the contrary, it shall
8 be lawful for a licensed health care professional to provide training to

9 school employees in the activities set forth in subsection 1 of section
10 167.809 or to supervise such school personnel in performing these tasks.

11 3. Nothing in this act shall diminish the rights of eligible
12 students or the obligations of school districts under the Individuals
13 with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*, Section 504 of the
14 Rehabilitation Act, 29 U.S.C. 794, or the Americans with Disabilities Act,
15 42 U.S.C.12101 *et seq.*

167.815. Students with diabetes shall attend the school they
2 would otherwise attend if they did not have diabetes, and the diabetes
3 care specified in subsection 1 of section 167.809 shall be provided at
4 such school. A school district may not restrict a student who has
5 diabetes from attending any school on the basis that the student has
6 diabetes, that the school does not have a full-time school nurse, or that
7 the school does not have trained diabetes care personnel. Further, a
8 school shall not require or influence parents or guardians to provide
9 diabetes care for a student with diabetes at school or school-related
10 activities.

167.818. Upon written request of the parent or guardian and
2 authorization by the student's diabetes medical management plan, a
3 student with diabetes shall be permitted to perform blood glucose
4 checks, administer insulin through the insulin delivery system the
5 student uses, treat hypoglycemia and hyperglycemia, and otherwise
6 attend to the care and management of his or her diabetes in the
7 classroom, in any area of the school or school grounds, and at any
8 school-related activity, and to possess on his or her person at all times
9 all necessary supplies and equipment to perform these monitoring and
10 treatment functions. If the parent or student so requests, the student
11 shall have access to a private area for performing diabetes care tasks.

167.821. No physician, nurse, school employee, charter school or
2 school district shall be liable for civil damages or subject to
3 disciplinary action under professional licensing regulations or school
4 disciplinary policies as a result of the activities authorized by sections
5 167.800 to 167.824 when such acts are committed as an ordinarily
6 reasonably prudent person would have acted under the same or similar
7 circumstances.

167.824. 1. By January 15, 2014, the department of elementary
2 and secondary education shall promulgate rules and regulations to

3 **implement the provisions of sections 167.800 to 167.824.**

4 **2. Any rule or portion of a rule, as that term is defined in section**
5 **536.010 that is created under the authority delegated in this section**
6 **shall become effective only if it complies with and is subject to all of**
7 **the provisions of chapter 536, and, if applicable, section 536.028. This**
8 **section and chapter 536 are nonseverable and if any of the powers**
9 **vested with the general assembly pursuant to chapter 536, to review, to**
10 **delay the effective date, or to disapprove and annul a rule are**
11 **subsequently held unconstitutional, then the grant of rulemaking**
12 **authority and any rule proposed or adopted after August 28, 2013, shall**
13 **be invalid and void.**

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Bill

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